HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE SHRI JAGDISH BHALLA, Ag. C.J.

Writ Petition No.358 of 2004

PETITIONERS:

1. Nilambar, S/o Late Indar Aged 49 years
2. Sagnuram S/o Late Indar, Aged 37 years
3. Samluram, S/o Late Indar, Aged 35 years
4. Ganeshram, S/o Late Indar Aged 32 years
5. Smt Soni, S/o Indar, Aged 75 years

All caste of Kenwat, Occupation Agriculturist, R/o Village Barda, Tahsi Jagadalpur, Distt Bastar (CG)

Versus

RESPONDENTS:

1. Jithru, S/o Late Sutam Aged 50 years
2. Mangal, S/o Late Sutam Aged 40 years
3. Manbodh, S/o Late Sutam Aged 38 years
4. Mitthu, S/o Late Sutam Aged 35 years
5. Smt Moti, Wd/o Sutam, Aged 70 years

No.1 to 5 All caste of Kenwat, R/o Village Barda, Tahsil Jagdalpur, Distt Bastar (CG)

6. Ratiram, S/o Late Indar Aged 50 years, Caste Kenwat occupation Agriculturist, R/o Village Kinjoli, Tahsil Jagdalpur, Distt. Bastar (CG)
7. State of Chhattisgarh Through the Collector Jagdalpur, Distt Bastar (CG)

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Writ Petition under Article 227 of the Constitution of India

Present: Shri Ratan Pusty, counsel for the petitioners.
Shri UNS Deo, Government Advocate for the State.

ORAL ORDER
(Passed on 16th August, 2007)

It has been submitted on behalf of the petitioners that the question involved in this writ petition is ~~that~~ whether decree has been obtained on the basis of fraud?

Learned trial Court has considered the matter in detail and rightly came to the conclusion that no pleading of fraud has been raised by the parties. Accordingly, the suit has been dismissed on the ground of principles of *res judicata*. Learned counsel for the petitioner also could not substantiate the ground of fraud. Therefore, no interference is warranted in this writ petition. Accordingly, the writ petition is dismissed.

Sd/-
Ag. Chief Justice

padma